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Patent

Attorney Docket No: ART-00101.P.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wang et al.

Application Number: 09/648,081

Filed: August 25, 2000

For: METHODS AND
COMPOSITIONS FOR IDENTIFYING
NUCLEIC ACID MOLECULES USING
NUCLEOLYTIC ACTIVITIES AND
HYBRIDIZATION

Examiner: Lu, Frank W.

Group Art Unit: 1655

Assistant Commissioner for Patents
Washington D.C., 20231

Sir,

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office Action mailed August 13, 2002, Applicants submit the following election and traverse. Applicants submit this response within three months of that mailing date. Thus, a one month's extension of time is deemed appropriate and the fee of \$55.00 is included herewith and such extension is respectfully requested. Accordingly, this Response is timely filed.

09/27/2002 KAMMED1 00000022 09648081

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55.00 OP

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W/EXT(1)
CDKSM
10/1/02

I. ELECTION

In the Office Action, the Examiner restricts the claims to two distinct and independent inventions and further restricts the claims of Group I to three groups patentably distinct species having two species per group and restrict the claims of Group II to one group of patentably distinct species made up of two species.

The above identified patent application has been examined for restriction purposes only. The Examiner has set forth the following groups:

Group Number	Claims	Subject Matter
I	82-100 and 108-121	A method for identifying one or more nucleic acid molecules.
II	101-107	A method for identifying one or more nucleic acid molecules.

Applicants elect the invention of Group I. This election is made with traverse because of the commonality of the subject matter of the two Groups.

The above identified Groups have been examined for restriction purposes only. The Examiner has set forth the following groups of distinct species for the claimed invention of Group I:

Distinct Species A	Claims	Subject Matter
1	83 and 109	Survey population of RNA
2	84 and 110	Survey population of DNA

Distinct Species B	Claims	Subject Matter
1	85	SNP is at terminus of probe
2	86	SNP is not at terminus of probe

Distinct Species C	Claims	Subject Matter
1	98	Paramagnetic particles
2	99 and 100	Polymeric particles

Applicants elect Species Group A1, identified by claims 83 and 109. The claims that are readable on this species are claims 82, 83, 85-100, and 108-121. Applicants also elects Species Group B1, identified by claim 85. The claims that are readable on this species are claims 82-85, 87-100, 108, 109, and 111-121. Applicants also elect Species Group C1, identified by claim 98. The claims that readable on this species is claim 82-98, and 108-121.

III. CONCLUSION

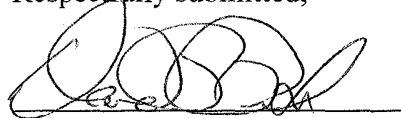
Based on the commonality of the subject matter of the amended claims, Applicants request that the Examiner join the claims of Groups I and II into a single group. For completeness, Applicants have elected the claims of Group I, Species A1, B1, and C1 for examination. Applicants respectfully submit that the claims are ready for examination and in condition for allowance.

Please apply any charges not covered, or any credits, to Deposit Account Number
501321 in the name of David R. Preston & Associates, having Customer Number 24232.

Respectfully submitted,

Date:

Sept 20, 2002



David R. Preston
Reg. No. 38,710

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165578

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number:	09/648,081
		Filing Date:	August 25, 2000
		First Named Inventor:	Wang
		Group Art Unit:	1655
		Examiner:	Lu
Total Pages in This Submission:	4	Attorney Docket Number:	ART-00101.P.1

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ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal, Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits / Declarations(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Requests	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Inclosures, identified below: Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts / Incomplete Application	Remarks:	
<input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	David R. Preston
Signature	<i>[Handwritten Signature]</i> 38,710
Date	Sep 20, 2002

CERTIFICATE OF MAILING					
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date.			Date:	9/20 02	
Typed or printed name:	David R. Preston				
Signature	<i>[Handwritten Signature]</i>			Date:	9/20/02

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<p>FEE TRANSMITTAL</p> <p>Patent fees are subject to annual revision on October 1. These are the fees effective October 1, 1997. Small Entity payments <u>must</u> be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.</p>		Complete if Known	
		Application Number:	09/648,081
		Filing Date:	August 25, 2000
		First Named Inventor:	Wang
		Group / Art Unit:	1655
Total Amount of Payment	\$ 55.00	Docket Number:	ART-00101.P.1

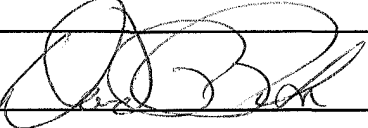
METHOD OF PAYMENT	
<p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: <input type="checkbox"/></p> <p>Deposit Account Name: <input type="checkbox"/></p> <p><input type="checkbox"/> Charge Any Additional Fee Required Under 37 C.F.R. §§ 1.16 and 1.17 to <u>Deposit Account Number 50132</u></p> <p><input type="checkbox"/> Charge the Issue Fee Set in 37 C.F.R. § 1.18 at the Mailing of the Notice of Allowance.</p>	
<p>2. <input checked="" type="checkbox"/> Payment Enclosed</p> <p><input checked="" type="checkbox"/> Check Number <u>1635</u></p> <p><input type="checkbox"/> Money Order</p> <p><input type="checkbox"/> Other</p>	

FEE CALCULATION						
1. BASIC FILING FEE						
	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
	101		201		Utility Filing Fee	\$
	106		206		Design Filing Fee	\$
	107		207		Plant Filing Fee	\$
	108		208		Reissue Filing Fee	\$
	114		214		Provisional Filing Fee	\$
SUBTOTAL (1)						\$ 0.00

2. EXTRA CLAIM FEES								
				Extra Claims		Fee From Below		Fee Paid
Total Claims	[]	-20 **	Equals	[0]	Times	[]	Equals	\$ 0.00
Independent Claims	[]	-3 **	Equals	[0]	Times	[]	Equals	\$ 0.00
Subtotal (2)								\$ 0.00
** or number previously paid, if greater, For Reissues, see below								
	Large Entity		Small Entity		Fee Description			
	Fee Code	Fee (\$)	Fee Code	Fee (\$)				
	103		203		Claims in excess of 20			
	102		202		Independent claims in excess of 3			
	104		204		Multiple dependent claim, if not paid			
	109		209		** Reissue independent claims over original patent			
	110		210		** Reissue claims in excess of 20 and over original patent			

3. ADDITIONAL FEES					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105		205		Surcharge - late filing fee or oath	\$
127		227		Surcharge - late provisional filing fee or cover sheet	\$
139		139		Non-English specification	\$
147		147		For filing a request for reexamination	\$
112		112		Requesting publication of SIR prior to Examiner action	\$
113		113		Requesting publication of SIR after Examiner action	\$
115		215	55.00	Extension for reply within first month	\$55.00
116		216		Extension for reply within second month	\$
117		217		Extension for reply within third month	\$
118		218		Extension for reply within fourth month	\$
128		228		Extension for reply within fifth month	\$
119		219		Notice of Appeal	\$
120		220		Filing a brief in support of an appeal	\$
121		221		Request for oral hearing	\$
138		138		Petition to institute a public use proceeding	\$
140		240		Petition or revive - unavoidable	\$
141		241		Petition or revive - unintentional	\$
142		242		Utility issue fee (or reissue)	\$
143		243		Design issue fee	\$
144		244		Plant issue fee	\$
122		122		Petitions to the Commissioner	\$
123		123		Petitions related to provisional applications	\$
126		126		Submission of Information Disclosure Statement	\$
581		581		Recording each patent assignment per property	\$
146		246		Filing a submission after final rejection (37 C.F.R. 1.129(a))	\$
149		249		For each additional invention to be examined (37 CFR 1.129(b))	\$
Other fee (specify):					\$
Subtotal (3)					\$ 55.00

4. SUMMATION OF FEES	
SUBTOTAL (1)	\$ 0.00
SUBTOTAL (2)	\$ 0.00
SUBTOTAL (3)	\$ 55.00
TOTAL FEES	\$ 55.00

SUBMITTED BY			Complete (If Applicable)	
Typed or Printed Name	David R. Preston		Registration Number:	38,710
Signature		Date: 9/26/02	Deposit Account User ID Number	50132